

**RESOLUTION NO. 16-118**

**RESOLUTION OF INTENT ESTABLISHING THE LOCKWOOD TARGETED ECONOMIC DISTRICT (TEDD),  
CREATING THE LOCKWOOD TEDD, AND ADOPTING THE LOCKWOOD TEDD PLAN WITH A TAX  
INCREMENT FINANCING PROGRAM PURSUANT TO TITLE 7, CHAPTER 15, PART 42 AND 43 OF THE  
MONTANA CODE ANNOTATED**

WHEREAS, in Yellowstone County there is an unincorporated area of urban development commonly referred to as "Lockwood."

WHEREAS, a portion of Lockwood is zoned either Industrial or Agricultural Open.

WHEREAS, In accordance with MCA § 7-15-4210, on April 21, 2015, the Yellowstone County Board of Commissioners passed Resolution No. 15-22 (Resolution of Necessity), declaring the Lockwood TEDD described below as "infrastructure deficient" as described in MCA § 7-15-4279.

WHEREAS, Resolution 15-22 generally established boundaries of the Lockwood TEDD, as described in attached Exhibits "A" and "B" and determined the existence of infrastructure deficiencies in the area.

WHEREAS, Yellowstone County is interested in fostering redevelopment, growth and retention of secondary, value adding industries as part of the County's overall goal to promote, stimulate, develop and advance the general welfare, commerce, economic development and prosperity of the citizens of Yellowstone County and the State of Montana. Therefore, pursuant to MCA § 7-15-4212, Yellowstone County caused a Comprehensive Development Plan to be prepared.

WHEREAS, Yellowstone County is interested in using Tax Increment Financing as authorized in MCA §§ 7-15-4282 through 7-15-4294, to help fund the supportive public infrastructure needed for the development of secondary, value-adding industries in the Lockwood TEDD area.

WHEREAS, pursuant to § 7-15-4279, a local government may by ordinance and following a public hearing authorize the creation of a TEDD in support of value-adding economic development.

WHEREAS, the TEDD Plan for the Lockwood targeted area, including tax incentive provision, has been prepared to guide the industrial development program and public infrastructure projects in the infrastructure deficient area established by Resolution No. 15-22.

WHEREAS, the area to be considered for the TEDD is a contiguous area with accurately described boundary limits and is large enough to host a diversified tenant base of multiple diversified tenants.

WHEREAS, the zoning for the proposed TEDD is zoned for governmental uses as provided for in Title 76, Chapter 2, Part 2 or 3 in accordance with the area growth policy defined in § 76-1-103 (industrial or agricultural open zoning) and does not comprise any property included in an existing tax increment financing district.

WHEREAS, the area is found to be deficient in infrastructure improvements as stated in the Resolution of Necessity as provided for in § 7-15-4280.

WHEREAS, a comprehensive development plan has been developed and adopted by the Yellowstone County Board of Commissioners that ensures the District can host a diversified tenant base of multiple independent tenants.

WHEREAS, the Yellowstone County Planning Board will hold a public hearing to determine whether the comprehensive plan complies with the Lockwood Growth Policy on October 25, 2016 and such decision will be published to the Yellowstone County Board of Commissioners prior to its consideration of the Ordinance Establishing the Lockwood TEDD at its public hearings on November 7, 2016 and November 22, 2016.

WHEREAS, the adoption of the Lockwood TEDD is not designed to serve the needs of a single district tenant or group of non-independent tenants.

WHEREAS, the tax increment financing will be used in accordance with §§ 7-15-4282 through 7-15-4294 for use in Lockwood TEDD or other uses as provided by law.

WHEREAS, use by the local government of the tax increment financing is spelled out in the Comprehensive Development Plan.

WHEREAS, the following definitions are adopted:

1. "Act" means Title 7, Chapter 15, Parts 42 and 43 of the Montana Code Annotated.
2. "Actual taxable value" means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.
3. "Base taxable value" means the actual value of all taxable property within an urban renewal area prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in MCA §§ 7-15-4287 or 7-15-4293.
4. "Incremental taxable value" means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all property within a TEDD.
5. "Tax increment" means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies which the TEDD area or a part thereof is located, against the incremental taxable value.
6. "Tax increment provision" means a provision for the segregation and application of tax increments as authorized by MCA §§ 7-15-4282 through 7-15-4294.
7. "Taxes" means all taxes levied by a taxing body against property on an ad valorem basis.
8. "Targeted Economic Development District" means a defined area that supports value-adding economic development and may utilize tax increment financing.
9. "Targeted economic development project" means a project undertaken within or for a TEDD that consists of any or all of the activities authorized by MCA § 7-15-4288.

NOW, THEREFORE BE IT RESOLVED, that the Yellowstone County Board of Commissioners adopts the Comprehensive Development Plan and sets two public hearings for the adoption of the Ordinance Establishing the Lockwood TEDD, Creating the Lockwood TEDD, and Adopting the Lockwood TEDD Plan with Tax Increment Financing Program Pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated. The Board orders that two readings and public hearings on the Ordinance be held at 9:30 A.M. on November 7, 2016 and November 22, 2016 in the Board Room of the Yellowstone County Commissioners, Room 403A of the Yellowstone County Courthouse, 217 North 27<sup>th</sup> Street, Billings,

Montana. The Board orders the Yellowstone County Clerk and Recorder to publish notice of the public hearings in the *Billings Gazette* on October 28, 2016 and November 4, 2016. Questions regarding the Ordinance and formation of the TEDD may be directed to Daniel L. Schwarz, Yellowstone County Chief Civil Deputy Attorney at P.O. Box 35025, Billings, MT 59107, (406) 256-2830. The ordinance may be inspected at the office of the Yellowstone County Clerk and Recorder, P.O. Box 35001, Billings, MT 59107. Should the Ordinance be adopted, it will become effective 30 days from passage.

DATED this 25<sup>th</sup> day of October, 2016.

YELLOWSTONE COUNTY BOARD OF COMMISSIONERS

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John Ostlund, Chairperson

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James E. Reno, Commissioner

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Robyn Driscoll, Commissioner

ATTEST:

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Jeff Martin, Clerk & Recorder